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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,756	07/15/2003	Hagen Eck	13905-021001 / 2003P00355	7390
22852	7590	05/12/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			CRABTREE, JOSHUA DAVID	
			ART UNIT	PAPER NUMBER
			3715	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,756	<b>Applicant(s)</b> ECK ET AL.	
	<b>Examiner</b> Joshua D. Crabtree	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/4/04, 5/24/04, 8/9/04, 9/27/04</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 8, 10-13, 26, 29, 30, 31, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson et al. (US 6,814,474).

With regard to claim 1, and the limitation of an Electronic Learning System (ELS) that provides access to an electronic course that is not a part of the ELS, Robinson et al. disclose an electronic learning environment, or "eCHALK" (Item 100 in Fig. 2) which provides access to educational content hosted by external third party content providers (element 70, Fig. 2; Col. 2: 21-24).

With regard to the limitation of a front end that exchanges communications with the external system to obtain access to the electronic course, Robinson et al. disclose that the eCHALK system communicates with third party content providers in order to retrieve educational content (Col. 13: 60-67, Col. 14: 1-6; See also Figs. 2 and 7).

With regard to the limitation of a learning portal that runs software to view the electronic course, Robinson et al. disclose accessing the eCHALK through Web browsers on computers (Col. 9: 23-41, Item 40 in Fig. 2).

With regard to the limitation of a back end that stores information that relates to the electronic course, Robinson et al. disclose a Directory Service Processor in the eCHALK system which stores data pertaining to the relationship of student and a school.

With regard to claim 4, and the limitation of a launch command with which the student begins the course, Robinson et al. disclose that a student enters a User ID and password to activate the function of delivering the third party content to the student (Col. 14: 7-18).

With regard to claim 8, and the limitation of communications comprising commands transmitted from the ELS to the external system and replies from the external system to the ELS, Robinson et al. disclose communication between the eCHALK system and third party content party providers via the Internet (Fig. 2). Robinson et al. disclose the eCHALK system and the third party content providers as components of an Educational Content Communications System (Col. 1: 15-25)

With regard to claim 10, and the limitation of the back end obtaining metadata from the external system, Robinson et al. disclose that the eCHALK system can retrieve user information from the third party content providers (Col. 8: 8-14).

With regard to claim 11, and the limitation of the external system containing a course catalog that contains descriptions of courses, Robinson et al. disclose that the educational content hosted by third party providers can include course descriptions and curriculum requirements (Col. 5: 19-25).

With regard to claim 12, and the limitation of the learning portal, front end and back end all being on a single computer, Robinson et al. disclose that the invention includes at least one server and *at least one* client computer (Col. 4: 13-18). The server hosts the educational content (item 70 in Fig. 2), and the client computer would make up the eCHALK system (Item 100 in Fig. 2), in the embodiment in which there is only one client computer.

With regard to claim 13, Robinson et al. disclose that the eCHALK system may include a plurality of computers (Col. 6: 19-27).

With regard to claim 26, and the limitation of a machine-readable medium that stores instructions to access, via an electronic learning system, an electronic course hosted on an external system, Robinson et al. discloses that the eCHALK system comprises computers (Col. 6: 19-34).

With regard to claim 29, Robinson et al. disclose the limitation of receiving metadata from the electronic course, as described above in the rejection to claim 10.

Robinson et al. also disclose that the data can be managed or processed by a user (Col. 3: 35-42).

With regard to claim 30, Robinson et al. disclose that a course description may be included, as described above in the rejection to claim 11.

With regard to claim 31, Robinson et al. disclose that the eCHALK can store data about the external system, as described above in the rejection to claim 1.

With regard to claim 33, Robinson et al. disclose an electronic learning system that provides access to an external course, as described above in the rejection to claim 1.

With regard to the limitation of a means for exchanging communications with the external system to obtain access to the electronic course, Robinson et al. disclose the Internet (Item 45 in Fig. 2). With regard to the limitation of a means for presenting the electronic course, Robinson et al. disclose presenting the third party content to the user (Item 650 in Fig. 7). With regard to the limitation of a means for collecting information that relates to the electronic course, Robinson et al. disclose a Directory Service Processor that processes all in-coming communications for the eCHALK system (Col. 6: 40-49). Robinson et al. also disclose a Load Balancing server through which all incoming communication to the eCHALK system must pass (Col. 6: 24-26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3, 5, 6, 7, 14-17, 19, 20, 21-24, 27, 32, 34, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. in view of Eisendrath et al. (US 6,347,333).

With regard to claim 2, Robinson et al. disclose that an administrator designates which third-party content is available to which students (Col. 13: 52-59). Robinson et al. do not disclose a register command used to register the student with the external system. Eisendrath et al. disclose a financial services area in which students may register for classes (Col. 2, lines 27-30).

With regard to claim 3, Robinson et al. do not disclose an enroll command with which the student may enroll in the electronic course. Eisendrath et al. disclose a registrar function with which students may enroll in courses (Col. 7, lines 33-35). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the register and enroll functions of Eisendrath et al. into the invention of Robinson et al. These functions would provide the advantage of allowing the student to selectively enroll in a specific curriculum. Additionally, being able to register and enroll electronically would be more convenient than traveling to a registrar's office on a physical campus.

With regard to claims 5, 15, and 27, Robinson et al. do not disclose the limitation of a track command with which student activity can be monitored. Eisendrath et al. teach an online virtual campus system in which the student may view his or her academic record and track educational progress (Col. 8: 23-25).

With regard to claim 6, Robinson et al. do not disclose the limitation of a response to the track command. Eisendrath et al. teach that the user may receive degrees, diplomas and transcripts from the online virtual campus (Col. 8: 26-30). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Eisendrath et al. into the invention of Robinson et al. in order to provide an interactive educational system in which a student may track his or her activity with regard to the course. Such a feature would be beneficial in that it would allow a student to decide if he or she needed to study more, or even drop a class, due to bad performance.

With regard to claim 7 and 32, Robinson et al. do not disclose receiving information from the external system including a percentage of viewed material from the course, a test score, or an amount of time spent viewing material from the course. Eisendrath et al. disclose a registrar function can issue transcripts, academic progress and grades (Col. 8, lines 5-8). A test score would be one of the grades. Eisendrath et al. disclose that academic progress would include progress through aggregate course modules, or a percentage of material viewed from the course (Col. 1: 65 – Col. 2: 1). A transcript would include a listing of courses completed by the student. With regard to



the limitation of information including an amount of time spent viewing material, Eisendrath et al. teach that the database can be updated in real time, tracking completion of each individual element by the student as it occurs (Col. 8: 49-51). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Eisendrath et al. into the invention of Robinson et al. in order to allow a teacher or student to view quantitative information such as grades in order to gauge performance in the course.

With regard to claim 14, Robinson et al. discloses a front end that issues commands to obtain access to the electronic course, as described above in the rejection to claim 1. Robinson et al. disclose the limitation of a launch command, as described above in the rejection to claim 4. Robinson et al. do not disclose a register command or an enroll command. Eisendrath et al. teach these limitations, as described above in the rejections to claims 2 and 3, respectively.

With regard to claim 15, Robinson et al. disclose the limitation of a track command is addressed above in the rejection to claim 5.

With regard to claim 16, Robinson et al. do not disclose the ELS receiving a response comprising a percentage of material from the course that has been viewed, a test score, and amount of time spent viewing course material. Eisendrath teaches these features, as described above in the rejection to claim 7. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teaching of Eisendrath et al. into the invention of Robinson et al. in order to provide a teacher or a

student with information pertaining to the student's progress in order to determine the efficiency of the invention for educational purposes.

With regard to claim 17, Robinson et al. disclose a back end that retrieves metadata as described above in the rejection to claim 10. Robinson et al. disclose that the metadata may comprise a course catalog, as described above in the rejection to claim 11. Robinson et al. disclose that the metadata may be edited by the user, as described above in the rejection to claim 29.

With regard to claims 19 and 20, and the limitation of the ELS accessing the external system over a network comprising the Internet, Robinson et al. disclose communication between the eCHALK system and third party content providers via the Internet (Item 45 in Fig. 2).

With regard to claim 21, Robinson et al. disclose electronic learning system comprising a front end to mediate access to an electronic course hosted on an external system, as described in the rejection to claim 1. With regard to the limitation of the front end interacting with the external system through a series of commands that contain identification and control information, Robinson et al. discloses the third party content host and client computer executing server and client programs, respectively, along with server and client inputs and outputs for communication between the computers (Col. 4: 13-18). Robinson et al. also disclose that the external server interacts with the client computers through a Load Balancing Server, which serves the purpose of identifying which client computers are permitted to access content on the third party server (Col. 6:

19-34). Robinson et al. do not disclose the limitation of the front end receiving responses including a response relating to the progress through the electronic course. Eisendrath et al. teach this limitation, as described above in the rejection to claim 7.

With regard to claim 22, Robinson et al. disclose a back end obtaining metadata containing a description of the electronic course from the external system, as described above in the rejection to claim 11.

With regard to claim 23, Robinson et al. disclose a learning portal that runs a web browser (Col. 7: 36-39).

With regard to claim 24, Robinson et al. disclose the limitation of a launch and command, as described above in the rejections to claims 4. Robinson et al. do not disclose a track, register or enroll command. Eisendrath et al. teach these limitations as described above in the rejections to claims 5, 2, and 3, respectively.

With regard to claim 34, Robinson et al. disclose a Load Balancing server, which mediates access to the third party content, as described above in the rejection to claim 33. With regard to the limitation of the electronic learning system interacting with the external system through a series of commands that contain identification and control information, Robinson et al. disclose this feature as described above in the rejection to claim 21. Robinson et al. do not disclose the limitation of the ELS receiving a response relating to progress through the electronic course. Eisendrath et al. teach this feature, as described above in the rejection to claim 21.

With regard to claim 35, Robinson et al. disclose an electronic learning system that hosts an electronic course, as described above in the rejection to claim 1. Robinson et al. also disclose a second electronic learning system that accesses the electronic course over a network, as described above in the rejection to claim 19. Robinson et al. disclose the limitation of a launch command, as described above in the rejection to claim 4. With regard to the limitation of a response to the launch command, Robinson et al. disclose that third party content is delivered to the student after he or she has entered a password and User Identification (Item 650 in Fig. 7; Col. 14: 7-18). Robinson et al. do not disclose a register command or an enroll command. Eisendrath et al. teach these limitations, as described above in the rejections to claims 2 and 3, respectively.

With regard to claim 36, Robinson et al. disclose that the components of the system are linked together by HTTP protocols (Col. 5: 40-47; Col. 5: 57-67).

With regard to claim 37, Robinson et al. disclose that the educational content may be accessed via web page links (Col. 3: 28-42).

4. Claims 9, 18, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. in view of Linderman (US 20020032790). Robinson et al. do not disclose transmission of commands in accordance with SOAP protocol. Linderman teaches an object-oriented communications system over the Internet, which utilizes the SOAP protocol. Linderman teaches that SOAP offers the advantage of allowing network elements to be remotely controlled beyond a firewall (Paragraph [0019]). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate

the teaching of Linderman into the invention of Robinson et al. in order to allow objects to be remotely controlled whether or not a firewall is present.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Crabtree whose telephone number is 571-272-8962. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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